

Remarks

Claims 1-8 were pending in this application. Claims 1 and 8 are amended and claim 7 is canceled herein. Claim 1 is amended to cancel the subject matter related to non-elected Groups II and IV. Claim 8 is amended to correct dependency.

No new matter is introduced by the foregoing amendments. Unless specifically stated otherwise, none of these amendments is intended to limit the scope of any claim. Applicants reserve the right to prosecute any removed subject matter in a continuation application. After entry of this amendment, **claims 1-6 and 8 are pending in this application**. Consideration of the pending claims is requested.

Restriction Requirement

Applicants elect Examiner's Group I (claims 1-6), drawn to an isolated polynucleotide comprising a nucleic acid sequence which encodes or is complementary to a sequence which encodes a MTP polypeptide of MTP77 as defined in SEQ ID NO: 2, or a plant transformation vector, transgenic plant cell, a transgenic plant or a method of modifying anthocyanin content in a plant comprising said nucleic acid.

Applicants request that the claim of Group III, directed to methods of producing anthocyanin comprising extracting anthocyanin from a transgenic plant comprising a nucleic acid sequence which encodes a MTP polypeptide of MTP77, be examined with the claims of Group I (directed to the polynucleotide which encodes an MTP polypeptide). The method claim depends from or otherwise includes all the limitations of claims to the transgenic plant of Group I. Applicants expressly request that the method claim be rejoined and the claim examined, at the latest upon the allowance of any of the product claims. It is believed that this is in accordance with the current Patent and Trademark Office Guidelines for Restriction Requirements in TC1600.

Additional Comments

The Office action states that “[i]t must be noted that instant MTP polypeptide reads on any polypeptide involved in anthocyanin metabolism” (Office action at page 3). Applicants respectfully disagree. In order for this statement to be true, all polypeptides involved in anthocyanin metabolism would need to fall within the boundaries of the original claims. As the original claims are directed to a *MTP* polypeptide having at least 80% sequence identity to SEQ ID NO: 2 or SEQ ID NO: 4, Applicants submit that certainly not all polypeptides involved in anthocyanin metabolism, and perhaps only a subset of these polypeptides, fall within the defined boundaries of the claims as originally written, or the present claims as amended. In light of the above discussion, Applicants respectfully request that the Office acknowledge in a subsequent communication that the instant MTP polypeptides do not read on *any* polypeptide involved in anthocyanin metabolism.

Conclusion

It is believed that the application is in condition for substantive examination. If any minor matters remain to be addressed prior to examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Ane Carlson/
Ane Carlson, Ph.D.
Registration No. 47,472